IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22273 of 2004

Between:

The Kapavaram Cooperative Collective Farmers Society,

Regd. No.WR 82, rep. by its President
Sri Pasalapudi Raju, S/o. Subbanna, Aged about 69 Years,

R/o Kapavaram Village, H/o Dommeru,
Kovvur Mandal, West Godavari District.

..... PETITIONER

AND

1 The District Collector, West Godavari District.
2 The Revenue Divisional Officer, Kovvuru, West Godavari District.
3 The Mandal Revenue Officer, Kovvuru, West Godavari District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the Respondent Authorities in not granting lease of the land in Sy.No.320 & 357/2 of Kapavaram Village, H/o Dommeru, Kovvur Mandal, West Godavari District, in favour of the petitioner Society, as arbitrary, illegal, null and void and is against the principles of natural justice and norms of the public policy.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Questioning the action of the respondents in not granting the lease of land in Survey Nos.320 and 357/2 of Kapavaram village, Hamlet of Dommeru, Kovvur Mandal, West Godavari District in favour of the petitioner-Society, the present writ petition is filed.

The case of the petitioner-Society, in brief, is that the petitioner-Society, consisting of 51 members belonging to Scheduled Caste and Backward Community, was formed for the purpose of collective farming under the A.P. Co-operative Societies Act and it had identified waste lands in Survey Nos.320 and 357/2 of Kapavaram village belonged to the Government and made application to the respondents in the year 1974 for allotment of the same on lease to its members. It is stated that as there was no response for the said application, the petitioner-Society filed Writ Petition No.972 of 1988 before this Court, wherein this Court directed the Government to grant lease in favour of the petitioner-Society, if the land in question has not been given to anybody. That the Revenue Divisional Officer issued prohibitory orders on 27.09.1996 prohibiting any person from entering into the land. The grievance of the petitioner-Society is that it made a representation on 22.11.2004 to the respondents to implement the orders passed in W.P.No.972 of 1988 and to assign the land in its favour, but the respondents without considering their representation are now trying to assign the land in question to third parties contrary to the procedure and policy of the Government.

Learned counsel for the petitioner-Society submits that the respondents without considering the representation dated 22.11.2004 of the petitioner-Society are now trying to assign the land to third parties contrary to the procedure and policy of the Government.

Heard the learned counsel for the petitioner-Society and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

Since the representation of the petitioner is pending before the respondents, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the representation of the petitioner-Society dated 22.11.2004 and pass appropriate orders, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

_____

(N.V. RAMANA, J)

Date: 03.12.2004

Nsr/Tvk

To

1 The District Collector, West Godavari District.
2 The Revenue Divisional Officer, Kovvuru, West Godavari District.
3 The Mandal Revenue Officer, Kovvuru, West Godavari District.

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 Two CD copies.